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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/841,883	04/24/2001	Masao Mouri	16869P025800	6133
20350	7590	11/05/2004	EXAMINER	
TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			CANGIALOSI, SALVATORE A	
			ART UNIT	PAPER NUMBER
			3621	

DATE MAILED: 11/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/841,883	MOUGI ET AL.
	Examiner	Art Unit
	Salvatore Cangialosi	3621

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 24 April 2001.  
 2a) This action is **FINAL**.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-17 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-17 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 04/24/2001 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>04/24/2001</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

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1. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

2. Claims 1-17 are rejected under 35 U.S.C. § 103 as being unpatentable over Rose (5708709) in view of either Floyd et al (6243692) or Horstmann (6009401).

Regarding claim 1, Rose (See abstract, Figs. 1, 5 8-9B, Col. 7, lines 40-45, col. 9, lines 5-45, col. 10 20-40 and claim 10) disclose means for a server to issue a license to a client upon verification and issuing a license key for a product by means of a communication network substantially as claimed. The differences between the above and the claimed invention is the use of specific license by merchant computer and authentication.

It is noted that it is believed that the server (See Fig. 1) are functionally equivalent to a license issuing computer. Either Floyd et al (See Fig. 2,5, Col. 2, lines 30-40, Col. 3, lines 1-65,

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and claim 8) or Horstmann (See Fig. 2,3, Col. 3, lines 1-15, Col. 4, lines 55-65) show license by merchant computer. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Rose because the license elements are conventional functional equivalents with respect to the claim limitations and authentication is a necessary component of validation and use. Regarding claim 2, Rose (See abstract, Figs. 1, 5 8-9B, Col. 7, lines 40-45, col. 9, lines 5-45, col. 10 20-40 and claim 10) disclose program means for a server to issue a license to a client upon verification and issuing a license key for a product by means of a communication network substantially as claimed. The differences between the above and the claimed invention is the use of specific license by merchant computer and authentication. It is noted that it is believed that the server (See Fig. 1) are functionally equivalent to a license issuing computer. Either Floyd et al (See Fig. 2,5, Col. 2, lines 30-40, Col. 3, lines 1-65, and claim 8) or Horstmann (See Fig. 2,3, Col. 3, lines 1-15, Col. 4, lines 55-65) show license by merchant computer. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Rose because the license elements are conventional functional equivalents with respect to the claim limitations and authentication is a necessary component of validation and use. Regarding claim 3, Rose (See abstract, Figs. 1, 5 8-9B, Col. 7, lines 40-45, col. 9, lines 5-45, col. 10 20-40

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and claim 10) disclose program means for a server to issue a license to a client upon verification and issuing a trial license key for a product by means of a communication network substantially as claimed. The differences between the above and the claimed invention is the use of specific license by merchant computer and authentication. It is noted that it is believed that the server (See Fig. 1) are functionally equivalent to a license issuing computer. Either Floyd et al (See Fig. 2,5, Col. 2, lines 30-40, Col. 3, lines 1-65, and claim 8) or Horstmann (See Fig. 2,3, Col. 3, lines 1-15, Col. 4, lines 55-65) show license by merchant computer. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Rose because the license elements are conventional functional equivalents with respect to the claim limitations and authentication is a necessary component of validation and use. Regarding the program limitations of claim 4, Rose (See abstract, Figs. 1, 5 8-9B, Col. 7, lines 40-45, col. 9, lines 5-45, col. 10 20-40 and claim 10) disclose program means for a server to issue a license to a client data store upon verification and issuing a license key for a product by means of a communication network which is a functional equivalent of the claim limitations. Regarding claim 5, Rose (See abstract, Figs. 1, 5 8-9B, Col. 7, lines 40-45, col. 9, lines 5-45, col. 10 20-40 and claim 10) disclose program means for a server to issue a paid license to a client upon verification and issuing a trial

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license key for a product by means of a communication network substantially as claimed. The differences between the above and the claimed invention is the use of specific license by merchant computer and authentication. It is noted that it is believed that the server(See Fig. 1) are functionally equivalent to a license issuing computer. Either Floyd et al(See Fig. 2,5, Col. 2, lines 30-40,Col. 3, lines 1-65, and claim 8) or Horstmann (See Fig. 2,3, Col. 3, lines 1-15,Col. 4, lines 55-65) show license by merchant computer. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Rose because the license elements are conventional functional equivalents with respect to the claim limitations and authentication is a necessary component of validation and use. Regarding claim 6, Rose (See abstract, Figs. 1, 5 8-9B, Col. 7, lines 40-45, col. 9, lines 5-45, col. 10 20-40 and claim 10) disclose program means for a server to issue a license to a client upon verification and issuing a trial license key for a product by means of a communication network substantially as claimed. The differences between the above and the claimed invention is the use of specific license by merchant computer and authentication. It is noted that it is believed that the server(See Fig. 1) are functionally equivalent to a license issuing computer. Either Floyd et al(See Fig. 2,5, Col. 2, lines 30-40,Col. 3, lines 1-65, and claim 8) or Horstmann (See Fig. 2,3, Col. 3, lines 1-15,Col. 4, lines 55-65) show license by

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merchant computer. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Rose because the license elements are conventional functional equivalents with respect to the claim limitations and authentication is a necessary component of validation and use. Regarding claim 7, Rose (See abstract, Figs. 1, 5 8-9B, Col. 7, lines 40-45, col. 9, lines 5-45, col. 10 20-40 and claim 10) disclose program means for a server to issue a license to a client upon verification and issuing a trial license key for a product by means of a communication network substantially as claimed. The differences between the above and the claimed invention is the use of specific license by merchant computer and authentication. It is noted that it is believed that the server(See Fig. 1) are functionally equivalent to a license issuing computer. Either Floyd et al(See Fig. 2,5, Col. 2, lines 30-40,Col. 3, lines 1-65, and claim 8) or Horstmann (See Fig. 2,3, Col. 3, lines 1-15,Col. 4, lines 55-65) show license by merchant computer. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Rose because the license elements are conventional functional equivalents with respect to the claim limitations and authentication is a necessary component of validation and use. Regarding claim 8, Rose (See abstract, Figs. 1, 5 8-9B, Col. 7, lines 40-45, col. 9, lines 5-45, col. 10 20-40 and claim 10) disclose a program method for a server to issue a

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license to a client upon verification and issuing a trial license key for a product by means of a communication network substantially as claimed. The differences between the above and the claimed invention is the use of specific license by merchant computer and authentication. It is noted that it is believed that the server(See Fig. 1) are functionally equivalent to a license issuing computer. Either Floyd et al(See Fig. 2,5, Col. 2, lines 30-40,Col. 3, lines 1-65, and claim 8) or Horstmann (See Fig. 2,3, Col. 3, lines 1-15,Col. 4, lines 55-65) show license by merchant computer. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Rose because the license elements are conventional functional equivalents with respect to the claim limitations and authentication is a necessary component of validation and use. Regarding claim 9, Rose (See abstract, Figs. 1, 5 8-9B, Col. 7, lines 40-45, col. 9, lines 5-45, col. 10 20-40 and claim 10) disclose a program method for a server to issue a license to a client upon verification and issuing a trial license key for a product by means of a communication network substantially as claimed. The differences between the above and the claimed invention is the use of specific license by merchant computer and authentication. It is noted that it is believed that the server(See Fig. 1) are functionally equivalent to a license issuing computer. Either Floyd et al(See Fig. 2,5, Col. 2, lines 30-40,Col. 3, lines 1-65, and claim 8) or Horstmann (See

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Fig. 2,3, Col. 3, lines 1-15, Col. 4, lines 55-65) show license by merchant computer. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Rose because the license elements are conventional functional equivalents with respect to the claim limitations and authentication is a necessary component of validation and use. Regarding claim 10, Rose (See abstract, Figs. 1, 5 8-9B, Col. 7, lines 40-45, col. 9, lines 5-45, col. 10 20-40 and claim 10) disclose a program method for a server to issue a license to a client upon verification and issuing a trial license key for a product by means of a communication network substantially as claimed. The differences between the above and the claimed invention is the use of specific license by merchant computer and authentication. It is noted that it is believed that the server (See Fig. 1) are functionally equivalent to a license issuing computer. Either Floyd et al (See Fig. 2,5, Col. 2, lines 30-40, Col. 3, lines 1-65, and claim 8) or Horstmann (See Fig. 2,3, Col. 3, lines 1-15, Col. 4, lines 55-65) show license by merchant computer. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Rose because the license elements are conventional functional equivalents with respect to the claim limitations and authentication is a necessary component of validation and use. Regarding claim 11, Rose (See abstract, Figs. 1, 5 8-9B, Col. 7, lines 40-45, col. 9, lines 5-45, col. 10

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20-40 and claim 10) disclose a program method for a server to issue a license to a client upon verification and issuing a trial license key for a product by means of a communication network substantially as claimed. The differences between the above and the claimed invention is the use of specific license by merchant computer and authentication. It is noted that it is believed that the server (See Fig. 1) are functionally equivalent to a license issuing computer. Either Floyd et al (See Fig. 2,5, Col. 2, lines 30-40, Col. 3, lines 1-65, and claim 8) or Horstmann (See Fig. 2,3, Col. 3, lines 1-15, Col. 4, lines 55-65) show license by merchant computer. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Rose because the license elements are conventional functional equivalents with respect to the claim limitations and authentication is a necessary component of validation and use. Regarding the program limitations of claim 12, Rose (See abstract, Figs. 1, 5 8-9B, Col. 7, lines 40-45, col. 9, lines 5-45, col. 10 20-40 and claim 10) disclose program means for a server to issue a license to a client data store upon verification and issuing a license key for a product by means of a communication network which is a functional equivalent of the claim limitations. Regarding claim 13, Rose (See abstract, Figs. 1, 5 8-9B, Col. 7, lines 40-45, col. 9, lines 5-45, col. 10 20-40 and claim 10) disclose a program method for a server to issue a license to a client upon verification and issuing a trial license

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key for a product by means of a communication network substantially as claimed. The differences between the above and the claimed invention is the use of specific license by merchant computer and authentication. It is noted that it is believed that the server (See Fig. 1) are functionally equivalent to a license issuing computer. Either Floyd et al (See Fig. 2,5, Col. 2, lines 30-40, Col. 3, lines 1-65, and claim 8) or Horstmann (See Fig. 2,3, Col. 3, lines 1-15, Col. 4, lines 55-65) show license by merchant computer. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Rose because the license elements are conventional functional equivalents with respect to the claim limitations and authentication is a necessary component of validation and use. Regarding the program limitations of claim 14, Rose (See abstract, Figs. 1, 5 8-9B, Col. 7, lines 40-45, col. 9, lines 5-45, col. 10 20-40 and claim 10) disclose program means for a server to issue a license to a client data store upon verification and issuing a license key for a product by means of a communication network which is a functional equivalent of the claim limitations. Regarding claim 15, Rose (See abstract, Figs. 1, 5 8-9B, Col. 7, lines 40-45, col. 9, lines 5-45, col. 10 20-40 and claim 10) disclose a program method for a server to issue a license to a client upon verification and issuing a trial license key for a product by means of a communication network substantially as claimed. The differences between the above and

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the claimed invention is the use of specific license by merchant computer and authentication. It is noted that it is believed that the server (See Fig. 1) are functionally equivalent to a license issuing computer. Either Floyd et al (See Fig. 2,5, Col. 2, lines 30-40, Col. 3, lines 1-65, and claim 8) or Horstmann (See Fig. 2,3, Col. 3, lines 1-15, Col. 4, lines 55-65) show license by merchant computer. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Rose because the license elements are conventional functional equivalents with respect to the claim limitations and authentication is a necessary component of validation and use. Regarding the program limitations of claim 16, Rose (See abstract, Figs. 1, 5 8-9B, Col. 7, lines 40-45, col. 9, lines 5-45, col. 10 20-40 and claim 10) disclose program means for a server to issue a license to a client data store upon verification and issuing a license key for a product by means of a communication network which is a functional equivalent of the claim limitations. Regarding the program limitations of claim 17, Rose (See abstract, Figs. 1, 5 8-9B, Col. 7, lines 40-45, col. 9, lines 5-45, col. 10 20-40 and claim 10) disclose program means for a server to issue a paid license to a client data store upon verification and issuing a license key for a product by means of a communication network which is a functional equivalent of the claim limitations.

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Any inquiry concerning this communication should be directed to Salvatore Cangialosi at telephone number (703) 305-1837. The examiner can normally be reached 6:30 Am to 5:00 PM, Tuesday through Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell, can be reached at (703) 305-9768.

**Any response to this action should be mailed to:**

Commissioner of Patent and Trademarks  
Washington, D.C. 20231

**or faxed to (703)872-9306**

Hand delivered responses should be brought to Crystal Park V, 2451 Crystal Drive, Arlington, Virginia, Seventh Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 3600 Customer Service Office whose telephone number is (703) **308-4177**.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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ART UNIT 222